

# Village of Essex Junction Tree Policy

## I. Purpose

It is the purpose of this policy to promote, protect, and enhance public health, safety, and general welfare by providing a mechanism for the planting, maintenance, protection, and removal of trees and shrubs on public streets, parks, and Village-owned properties within the Village of Essex Junction. This policy also provides for the establishment of the Essex Junction Tree Advisory Committee to engage citizens in the stewardship, management, and recognition of the Village's tree resources.

## II. Definitions

**Certified Arborist:** A person certified by the International Society of Arboriculture as having specialized knowledge, experience, and training related to arboriculture.

**Diseased Tree:** Any tree or shrub with a combination of structural defects and/or a health condition, which makes it subject to a high probability of failure.

**Hazardous Tree:** Any tree or shrub, public or private, with visibly defined structural defects likely to cause failure of all or part of the tree, and be a danger to public safety.

**Public Tree:** All trees and shrubs on any Village park or other property owned or controlled by the Village on any public street, alley, median, sidewalk, or highway within the public right-of-way, as well as school district trees.

**Public Right-of-Way:** Right of way is measured from the center line of any road within the Village. Distance out from centerline will vary depending on individual streets. This information is available from the Department of Public Works.

**Private Tree:** Any tree or shrub or any substantial portion of a tree, shrub, or plant which is in a private location along a public right-of-way.

**Street Tree:** Any tree or shrub located on either side of all streets, avenues, bike paths, and located within the bound of all Village right-of-ways.

**Tree:** Any self-supporting woody plant together with its root system, growing upon the earth with one trunk of at least three inches in diameter at a height of four and one-half feet above the ground, or a multi-stemmed trunk system with a definitely formed crown.

## III. Jurisdiction/Authority

The Trustees shall appoint a Tree Warden, under 24 V.S.A. § 871. The Tree Warden may appoint a Deputy Tree Warden under 24 V.S.A. § 2505. Through its Tree Warden, the Village shall have control of all Public Trees and shall have the authority to plant, maintain, protect, and remove such trees.

#### **IV. Administrative Responsibilities/Administration**

The Trustees shall appoint a Tree Advisory Committee for specific purposes as outlined in the Tree Committee's Charter. The Essex Junction Tree Advisory Committee shall be an advisory organization that works with the Tree Warden to promote the improvement and preservation of a healthy environment of the Village as it relates to Public Trees.

The Essex Junction Tree Advisory Committee shall consist of at least four Essex Junction residents and one Essex Junction municipal staff person, all whom shall be appointed by the Trustees. Members will serve staggered terms of three years and will serve without compensation.

The Essex Junction Tree Advisory Committee shall be responsible for the following activities:

- a. Develop a street tree master plan;
- b. Conduct a street tree inventory;
- c. Assist Village staff and the Essex Junction Planning Commission in reviewing landscape master plans;
- d. Assist Village staff and the Essex Junction Planning Commission in updating Land Development code regarding tree planting and maintenance requirements;
- e. Educate citizens of the Village about benefits and care, and threats to trees; and
- f. Organize an annual Essex Junction Arbor Day celebration.

#### **V. Provisions for the Management of Community Trees**

The Village is supportive of planting and maintaining trees along its streets, roads, and on other Village and private property. The benefits of street trees are well documented and this policy is consistent with and recognizes those benefits.

The Village shall have the right to plant, maintain, and remove Public Trees as may be necessary to insure public safety, or to preserve or enhance the symmetry and beauty of public right of ways and Village property as set forth in the following guidelines.

##### **a. Tree Planting**

- i. All Public Trees shall be planted in accordance with American National Standards Institute (ANSI) A300 Standards for Tree Care Operations.
- ii. Trees shall be selected from the booklet, "Recommended Trees for Vermont Communities", published by Vermont's Urban & Community Forestry Program, a copy of which shall be maintained by the Tree Advisory Committee and available for public viewing at the Village Office.
- iii. All newly planted public trees will carry a one year maintenance and replacement guarantee
- iv. No person shall plant any tree within Village right-of-ways or Village property without written permission of the Tree Warden and Development Director.
- v. Trees should be sited based on above and below ground site condition. All Public Trees will be planted at a minimum of 30 feet from intersections.

##### **b. Tree Maintenance**

- i. All Public Tree care shall be in accordance with the ANSI A300 Standards for Tree Care Operations.

- ii. All contractors who work on Public Trees shall have on staff a certified arborist.
- iii. It shall be the responsibility of any person owning property bordering on a public street, sidewalk, recreational path, or other public right-of-way to ensure trees or shrubs that are dead, diseased, or injured do not pose an unreasonable risk of property damage or bodily injury occurring within such public right-of-way.

**c. Tree Removal**

- i. In accordance with 24 V.S.A. § 2502, the Village Tree Warden may remove any Public Tree that is diseased, dying, or dead which create a hazard to public safety of threaten the effectiveness of disease or insect control programs.
- ii. If, in the opinion of the Tree Warden, a Public Tree constitutes no hazard to public safety and is determined to be healthy but needs to be removed, then the Tree Warden will warn a public hearing and shall be in accordance with 24 V.S.A. § 2509:

*A Public Shade Tree within the residential part of a municipality shall not be felled without a public hearing by the tree warning, except that when it is infested with or infected by a recognized tree pest, or when it constitutes a hazard to public safety, no hearing shall be required. In all cases the decision of the Tree Warden shall be final except that when the Tree Warden is an interested party or when a party in interest so requests in writing, such final decision shall be made by the Trustees.*

- iii. Two weeks before the scheduled removal of the tree the public will be notified via the Trustees meeting and/or paper of record and a sign will be posted on the Public Tree of the proposed action to be taken and the Public Hearing time, date, and place.
- iv. Anyone contesting the removal of a Public Tree must do so to the Tree Warden between the time of posting the tree removal notice and the hearing, at the hearing or within 24 hours of the decision having been made. After informing the Tree Warden, a written appeal must be submitted within two weeks to the Tree Warden and the Trustees. The Tree Warden will notify the appellant by certified mail of the hearing with the Trustees; the decision of the Trustees will be final.

**d. Tree Protection**

- i. No Public Tree shall be pruned, removed, or harmed in any way without the written permission of the Tree Warden
- ii. Any construction within the outer most drip line of Public Trees requires consultation with the Tree Warden who may provide specific written requirements for additional protections

**VI. Control of Hazardous Trees & Trees Infested with a Pest or Pathogen**

The Village, in consultation with the Tree Warden, may remove or cause to be removed any Public or Private Tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to the Village infrastructure or other public improvements, or is affected with any injurious disease, insect, or other pest, in accordance with 24 V.S.A. § 2511:

*When an insect or disease pest infestation upon or in public or private shade trees threatens other public or private trees, is considered detrimental to a community shade*

*tree preservation program or threatens the public safety, the tree warden may request surveys and recommendations for control action from the commissioner of agriculture, food and markets. On recommendation of the commissioner of agriculture, food and markets, the tree warden may designate areas threatened or affected in which control measures are to be applied and shall publish notice of the proposal in one or more newspapers having a general circulation in the area in which control measures are to be undertaken. On recommendation of the commissioner, the tree warden may apply measures of infestation control on public and private land to any trees, shrubs or plants thereon harboring or which may harbor the threatening insect or disease pest. He may enter into agreements with owners of such lands covering the control work on their lands, but the failure of the tree warden to negotiate with any owner shall not impair his right to enter on the lands of said owner to conduct recommended control measures, the cost of which shall be paid by the municipality.*

If the Tree Warden shall determine with reasonable certainty upon inspection or examination that any hazardous tree herein defined exists in or upon any private premises within the Village, and may damage or cause injury in the Village ROW, he/she may notify the owner of such premises, or their agent, in writing that said nuisance tree must be treated, trimmed, removed, or otherwise abated. Said written notice shall specify the nature and exact location of the hazardous tree, the manner in which the hazard shall be abated, and the time limited in which the hazard shall be abated which shall not be less than fifteen (15) days after issuance of said notice unless the Tree Warden shall determine that immediate action is necessary for public safety.

Adopted by the Village Trustees on 11/12/13.